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Remarks

Claims 5 and 24 have been amended. Claims 5-11, 13-19 and 24-26 remain in the application. Reconsideration and reexamination of the application, as amended, are requested.

In the Official Action dated October 5, 2004 the Examiner has finally rejected all the claims under 35 U.S.C. 103(a) in view of various combinations of Kaplan et al., Nelson et al., and newly cited reference 6,078,652 to Barak. Reconsideration of this rejection in view of the amendments set forth above and the following comments is respectfully requested.

The Examiner will note that the claims in the present application have been limited to systems and methods for the communication of information over a diverse media. More particularly, the claims define systems and methods wherein a call, after setup, is monitored against certain criteria and if an improvement in service as it relates to cost, latency, bandwidth etc., is detected while the call is in progress, the connection is seamlessly rerouted to an alternate media, i.e., the media which provides the improved service without loss of the initial connection. Thus, in the examples set out in the specification a call lasting several minutes may be routed over for example a landline, a wireless link or a satellite connection during the full time the connection is in place if improved service including reduced cost can be achieved by selecting an alternate route.

Although the references cited by the Examiner and in particular the Barak reference discloses means for selecting a least cost route based on information provided to a storage unit, such as storage unit 30, the information stored therein is not dynamic but is provided via email or a diskette containing updated information. (see col. 5, lines 7-10).

The rerouting aspect according to Barak only applies to the rerouting of a connection which has been initiated by a user selecting a particular route. The storage unit 30 which contains the least cost routing data acts in combination with router 32 to redirect a dialed connection or a dialed call based on the stored LCR information. There is no teaching or remote suggestion of monitoring the call during progress and of rerouting the call over an alternate media should there be indication that an improvement in service, cost, latency etc., can be achieved by rerouting the call seamlessly without loss of connection. In order words, the new reference cited by the Examiner is directed to methods and systems for routing calls based on least cost

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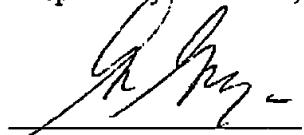
information but decisions are made at call setup and are not changed while the call is in progress.

It is well established that to support a rejection under 35 U.S.C. 103 the references in combination must teach each and every element of the rejected claim. It is clear from the foregoing that the limitation of the rerouting process occurring seamlessly during or while the call is in process is not taught by the references whether taken singularly or in combination.

It is further submitted that the changes made to the claims herein are merely intended to provide a clearer definition of what is meant by the term "rerouting" and should not be construed as new issues. The amendments merely clarify or expand the definitions that were previously of record.

In view of the foregoing it is believed that the claims as now on file are in condition for allowance. Favourable reconsideration and action to this end is earnestly solicited.

Respectfully submitted,


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